

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**EARL MITCHELL**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 3:04CV635BS**

**ARMED M. ZEIN**

**DEFENDANT**

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**O R D E R**

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, and the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause on or about January 16, 2007, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge James C. Sumner entered on or about January 16, 2007, and the same is hereby, adopted as the finding of this Court, and this matter will be dismissed with prejudice. A separate judgment will be entered in accordance with Fed. R. Civ. P. 58.

IT IS SO ORDERED, this the 26th day of February, 2007.

s/William H. Barbour, Jr.

UNITED STATES DISTRICT JUDGE